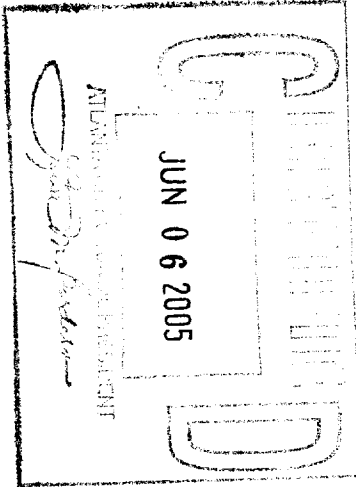


Entered - 8/26/04 - sb  
CL04L0553 - DIANNE C. MITCHELL

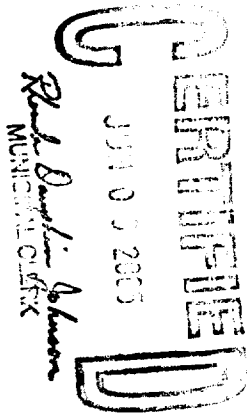
05-R-0952



CLAIM OF: **KIMBERLY JANE SMITH,**  
through her attorney,  
**Calvin D. Williamson**  
**3100 Five Forks Trickum Road**  
**Suite 101**  
**Lilburn, Georgia 30047**

For damages alleged to have been sustained as a result of mistreatment after an arrest on March 19, 2004 at 254 Peachtree Street, SW.

THIS ADVERSED REPORT IS APPROVED



BY:

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/31/05

CHAIR: Clara Anderson

G. T. Martin

James M. Sheperd

Calvin Smith

Heidi Shuck

ADVERSED BY  
CITY COUNCIL

JUN 06 2005



**CITY OF ATLANTA**  
**OFFICE OF MUNICIPAL CLERK**  
June 13, 2005

**RHONDA DAUPHIN JOHNSON, CMC**  
**MUNICIPAL CLERK**

Calvin D. Williamson  
Attorney at Law  
3100 Five Forks Trickum Road  
Suite 101  
Lilburn, Georgia 30047

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

**05-R-0952**

**RE: Kimberly Jane Smith**

Dear Attorney Williamson:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 06, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0553

Date: May 10, 2005

Claimant /Victim KIMBERLY JANE SMITH  
BY:(Atty) Calvin D. Williamson  
Address: 3100 Five Forks Trickum Road, Suite 101, Lilburn, Georgia 30047  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 100,000.00  
Date of Notice: 08/17/04 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 03/19/04 Place: 254 Peachtree Street, SW  
Department Corrections Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges that she was wrongfully arrested and denied proper medical care while incarcerated. However, the claimant has filed a lawsuit to resolve the issues raised in her claim.

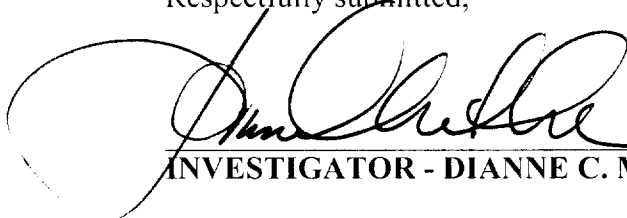
### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

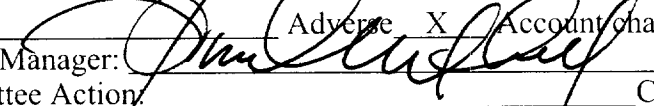
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01        2P01         
Claims Manager:  Concur/date 05/19/2005  
Committee Action:        Council Action

RCS# 6714  
6/06/05  
2:56 PM

Atlanta City Council

## Regular Session

CONSENT I                CONSENT I PG(S) 3-18 EXCEPT:05-O-0893  
                                05-R-1006 05-R-1001  
                                ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT I

			<b>06-06-05 Council Meeting</b>
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 05-O-0891	31. 05-R-0963	49. 05-R-0794	80. 05-R-0947
2. 05-O-0890	32. 05-R-0964	50. 05-R-0796	81. 05-R-0948
3. 05-O-0894	33. 05-R-0966	51. 05-R-0797	82. 05-R-0949
4. 05-O-0668	34. 05-R-0967	52. 05-R-0798	83. 05-R-0950
5. 05-O-0667	35. 05-R-0918	53. 05-R-0802	84. 05-R-0951
6. 05-O-0899	36. 05-R-0919	54. 05-R-0803	85. 05-R-0952
7. 05-O-0816	37. 05-R-0920	55. 05-R-0804	86. 05-R-0953
8. 05-O-0817	38. 05-R-0921	56. 05-R-0808	87. 05-R-0958
9. 05-R-0983	39. 05-R-0922	57. 05-R-0809	
10. 05-R-0984	40. 05-R-0923	58. 05-R-0811	
11. 05-R-0985	41. 05-R-0924	59. 05-R-0813	
12. 05-R-0986	42. 05-R-0925	60. 05-R-0815	
13. 05-R-0987	43. 05-R-0926	61. 05-R-0928	
14. 05-R-0959	44. 05-R-0927	62. 05-R-0929	
15. 05-R-0994	45. 05-R-0954	63. 05-R-0930	
16. 05-R-0995	46. 05-R-0955	64. 05-R-0931	
17. 05-R-0996	47. 05-R-0956	65. 05-R-0932	
18. 05-R-0997	48. 05-R-0957	66. 05-R-0933	
19. 05-R-0998		67. 05-R-0934	
20. 05-R-0989		68. 05-R-0935	
21. 05-R-0974		69. 05-R-0936	
22. 05-R-0975		70. 05-R-0937	
23. 05-R-0973		71. 05-R-0938	
24. 05-R-0898		72. 05-R-0939	
25. 05-R-0977		73. 05-R-0940	
26. 05-R-0978		74. 05-R-0941	
27. 05-R-0979		75. 05-R-0942	
28. 05-R-0980		76. 05-R-0943	
29. 05-R-1000		77. 05-R-0944	
30. 05-R-0962		78. 05-R-0945	
		79. 05-R-0946	